

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KEITH A. WEST,

Plaintiff,

v.

C/O GOLDBERG, *et al.*,

Defendants.

Case No. 12-cv-976-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 36) of Magistrate Judge Philip M. Frazier recommending that the Court dismiss plaintiff Keith West’s claim against defendant Nurse Melvin without prejudice for lack of service of process pursuant to Federal Rule of Civil Procedure 4(m).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review de novo the portions of the report to which objections are made. Id. “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 36);
- **DISMISSES** West’s claim against defendant Nurse Melvin **without prejudice**; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

Nurse Melvin is terminated as a party to this case.

IT IS SO ORDERED.

DATED: July 9, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE